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SUBJECT: LUXEMBOURG'S 9TH ANNUAL TRAFFICKING IN PERSONS  
SUBMISSION

REF: 08 STATE 132759

1. (U) Post hereby submits the ninth annual Trafficking in  
Persons Report for Luxembourg.

2. (U) Post point of contact for the TIP report is Adam  
Center, phone: 352 46-01-23.x2227; fax: 352 22-64-57. Post  
spent approximately 30 hours compiling this report: FSO  
FO-03: 15 hours; FSN-10: 15 hours; A/DCM FO-03: 1 hour.

3. (SBU) The content below is keyed to reftel questions.

#### THE COUNTRY'S TIP SITUATION

A. Sources for this report include the head of the  
Luxembourg Vice Squad, members of the special criminal  
investigation unit specializing in TIP investigations,  
Amnesty International, representatives from the Ministry for  
Promotion of Women, the Ministry of Justice, the public  
prosecutor's office, the Red Cross Drop-In Center, and ASTI -  
an NGO that provides shelter to women in distress.

The government fully monitors its anti-trafficking efforts  
and periodically makes available its assessments of these  
efforts.

Numbers and sources are deemed by Post to be reliable and  
accurate. Post believes Luxembourg interlocutors have no  
reason or desire to hide trafficking. Contacts appear eager  
to identify and actively address the issue.

B. Luxembourg is a country of destination for  
internationally trafficked women. During the reporting  
period, the government identified ten trafficking victims:  
nine from Ukraine and one from Russia, all of which were  
women. Because of Luxembourg's small size, combined with its  
rigorously controlled legal prostitution sector and police  
who are well-educated on the trafficking issue, Post does not  
believe the scope of the problem in Luxembourg greatly  
exceeds the documented cases.

C. Trafficking victims are mostly recruited abroad through  
agents who arrange for their travel and promise lucrative  
jobs in Luxembourg cabarets. In most cases, the women are  
escorted to their destinations, and their agents remain in  
Luxembourg or in one of the neighboring countries (Belgium,  
Germany, or France). When the police detain traffickers, the  
alleged trafficking victims generally refuse to cooperate  
with the police and claim that the traffickers are  
acquaintances or boyfriends.

An increasing number of women from Africa, primarily Nigeria, are engaged in prostitution in Luxembourg. They generally come to Luxembourg from Spain or Italy where they have obtained temporary residence permits. Nigerian women generally do not cooperate with the police. Often, they have borrowed exorbitant amounts of money to finance their trips to Luxembourg and find themselves obligated to agents.

1D. Given the small volume of trafficking victims in Luxembourg, identifying a vulnerability trend is difficult. All of the victims in Luxembourg come from Eastern Europe, but it's a far stretch to say Eastern European women are particularly vulnerable to trafficking.

1E. Arrested traffickers in Luxembourg have included Italians, Romanians, and French. Most were individuals involved in both human and drug trafficking. They recruited victims abroad directly or through agents and generally provided both travel arrangements and the promise of lucrative jobs in Luxembourg cabarets. There is no evidence of systemic abuses of human trafficking within Luxembourg employment, travel, or tourism agencies.

#### SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS

1A. The government improved its counter-trafficking legislation by adopting two laws during the reporting period.

A new immigration law contains a chapter on trafficking in human beings, which provides a "reflection and recovery period" for trafficking victims with an option to obtain

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temporary residence status.

In February 2009, Parliament adopted the long-awaited law on trafficking in human beings which implements: i) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children - supplementing the Convention against Transnational Organized Crime (the Palermo Protocol), defining the crime of trafficking in human beings, and broadening the definition of trafficking from the exploitation of prostitution to include other forms of sexual exploitation such as forced labor, slavery and domestic servitude or the removal of organs (for children, the definition would extend to forced prostitution, illicit international adoption, recruitment as child soldiers, and beggary); ii) the Council of Europe Convention on Action against Trafficking in Human Beings, adopted by the Council of Europe in May 2005; and iii) the EU Council Framework decision of July 2002 on combating trafficking in human beings.

The new law clearly differentiates human trafficking from people smuggling or illegal immigration, and prescribes higher sanctions for traffickers. The new law provides fines of 50,000 to 100,000 Euros (vice 500 to 125,000 Euros in old legislation) and prison terms of five to ten years (vice six months to three years).

The previous legislation incriminated trafficking in human beings for sexual exploitation of adults or children, but did not offer a comprehensive and workable definition of the phenomenon and also omitted certain forms of exploitation, such as forced labor. The new legislation addresses these deficiencies.

1B. The Luxembourg Vice Squad, a new Criminal Police Unit specialized in trafficking in persons investigations, the Ministry for Equal Opportunity, the Ministry of Foreign Affairs and Immigration, the Ministry of Justice, the Ministry of Employment, the city of Luxembourg, the General Prosecutor's Office, and the Tribunal d'Arrondissement are all involved in anti-trafficking efforts.

The Air Border Security Service (part of Immigration) would

become involved should there be a suspicion that trafficking was occurring through Luxembourg's sole commercial airport.

The Ministry of Justice has the lead in anti-trafficking efforts.

¶C. The government is fully capable of addressing the trafficking situation in Luxembourg. Corruption is not a problem and resources are not lacking.

¶D. The government fully monitors its anti-trafficking efforts and periodically makes available its assessments of these efforts.

#### INVESTIGATION AND PROSECUTION OF TRAFFICKERS

¶A. See answer A. to previous section for detailed description of new legislation. The previous legislation governing trafficking in human beings is contained in Luxembourg Penal Code Article 379. The law provided penalties for sexual exploitation as well as for facilitating an alien's illegal entry and residence through direct or indirect assistance. Luxembourg's anti-organized crime statutes historically also applied in some trafficking in persons cases.

The new legislation described in answer A above was adopted on 11 February 2009 and amended Luxembourg's Penal Code as described. This legislation covers both internal and transnational forms of trafficking.

¶B. Please see Answer A in section "SETTING THE SCENE..."

¶C. Please see Answer A in section "SETTING THE SCENE..."

¶D. Any act of sexual penetration through force is considered rape and punishable with five to ten years imprisonment. If the victim is under fourteen years of age, then any act of

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sexual penetration is considered rape and punishable with imprisonment of ten to fifteen years. If the rape leads to a victim's death, the punishment is fifteen to twenty years imprisonment. Murder committed in order to facilitate the rape or ensure its impunity is punishable with lifetime imprisonment. According to Luxembourg Penal Code Article 372, any assault on decency committed with force or threat carries penalties ranging from six months to five years.

¶E. There were several cases during the reporting period that resulted in convictions, fines and prison sentences.

In April, an Italian and a Romanian pimp were charged with procuring prostitution and human trafficking and each were sentenced to three years' imprisonment and ordered to pay a four thousand euro fine.

Also in April, an Italian and a French pimp arrested in 2004 and charged with procuring prostitution and human trafficking were sentenced, respectively, to three months' imprisonment and a five thousand euro fine, and to three months' imprisonment and a three thousand euro fine.

In May, two Italian pimps arrested in 2006 and charged with procuring prostitution and human trafficking were both sentenced to two years' imprisonment and ordered to pay a five thousand euro fine.

In June, an Italian pimp charged with procuring prostitution and human trafficking was sentenced to thirty months in jail and a three thousand euro fine.

In each of these cases, Luxembourg Penal Code Article 379 was implemented.

Each of these cases involved commercial sexual exploitation

and all victims were women over the age of eighteen.

¶F. In 2008, the Ministry for Equal Opportunity conducted, in cooperation with Ministry of Justice and the Luxembourg police, a specialized counter-trafficking training course for NGO workers and law enforcement officials. This working group also met on various occasions throughout the reporting period to discuss the draft law on assistance and protection to trafficking victims (this law has not yet been adopted), and the new immigration and trafficking legislation.

In December 2008, the Ministry for Equal Opportunity participated in a seminar organized by the NGO Women in Distress entitled "Identification and Taking Care of Trafficking in Persons Victims." During this seminar, the Ministry of Equal Opportunity presented the draft legislation on the assistance and protection of victims, expected to become law in 2009.

The Ministry of Justice maintained a training program, launched in 2006, aimed at educating police, immigration and other relevant government officials, as well as NGO workers, on how to properly identify trafficking victims.

The Air Border Security Service provides continuous training on an international level, especially with its EU counterparts, and coordinates with customs officials. They are trained to detect irregularities in immigration patterns, recognize unusual behavior, and watch for travelers belonging to particularly vulnerable groups.

Additionally, Post has nominated one member of the former special criminal investigation unit specializing in trafficking in persons to attend an International Visitor program called "Combating Trafficking in Persons."

¶G. Until 2005, the Government of Luxembourg had an Office of Police Coordination with the German, French, and Belgian governments to coordinate on immigration- and trafficking-related criminal activity. This office was replaced, however, on 1 October 2005 by the European Union Border Management Agency, which now coordinates efforts to check crime, illegal immigration and related matters within the European Union.

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¶H. Luxembourg's extradition laws date from 1972. There is no law in Luxembourg that says Luxembourg nationals cannot be extradited for trafficking. Luxembourg also participates in the European Arrest Warrant program, under which no extradition is required to move and prosecute criminals within signatory members of the European Union.

¶I. There is no evidence of government involvement in or tolerance of trafficking.

¶J. Not applicable to Luxembourg.

¶K. Prostitution is legal, but heavily restricted, in Luxembourg. Any prostitution by an individual under age eighteen is illegal. Activity as a brothel owner/operator, client, pimp, or any other profiteer from prostitution-related activity is illegal. The law is effectively enforced.

¶L. There is no indication that any Luxembourg nationals deployed abroad as part of a peacekeeping or other similar mission engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

¶M. Not applicable to Luxembourg.

#### PROTECTION AND ASSISTANCE OF VICTIMS

¶A. The immigration legislation adopted in August 2008

provides temporary residence status for trafficking victims. A period of reflection and recovery of ninety days may be granted to alleged trafficking victims. This period is designed to help the victim recover and escape the influence of the offenders, but also to obtain the full knowledge of the facts before deciding whether to cooperate with the competent authorities. The period is not conditional on the victim's cooperation with the authorities handling the investigation and prosecution. The alleged victim is guaranteed that no deportation will occur during the period of reflection.

In practice, law enforcement authorities provide protection by establishing the first contact between the trafficking victims and the assistance services, by informing trafficking victims of their rights, and by providing them with temporary protective shelter.

1B. The government funds two domestic NGOs that provide services for women in distress, including victims of trafficking. The government contributed 114,500 euros to these facilities during the reporting period. Foreign victims have the same access to these services as domestic victims. The Red Cross Drop-In Center provides free medical care to victims of trafficking. There are two shelters for adults with children. Child victims (in Luxembourg, there are no reported trafficked children) are placed in a shelter for juveniles.

1C. Luxembourg does not have a Witness Protection Program. The government has worked with neighboring governments on a Witness Protection Program for two trafficking victims.

1D. The Luxembourg Vice Squad and Ministry of Women's Promotion work with Caritas, including its COATNET representative, SOS Women in Distress, and the Comité de Liaison et d'Action des Etranger (CLAE), to ensure that trafficking victims are given shelter.

The period of reflection and recovery described above provides for ninety days where there is a guarantee that the victim will not face deportation, regardless of cooperation with the investigation.

1E. There is no government-provided long-term shelter or housing benefits for victims of trafficking.

1F. The police do work with NGOs to provide victims shelter, food, and protection

1G. During the reporting period, the government identified ten trafficking in persons victims. All victims were

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referred to the care facilities for assistance.

1H. The Ministry of Foreign Affairs' Immigration Asylum and Refugee Office is very cognizant of the possibility of trafficking when conducting interviews and investigations of asylum seekers. Luxembourg's Air Border Security unit employs prescreening, profiling, and international risk analysis for air passenger traffic in and out of the country. EU country statistics are sent to the Risk-Analysis Center (RAC) in Helsinki every semester, and monthly to Eurostat, where they are analyzed for trends and patterns.

1I. The rights of victims are generally respected. There is no evidence of victims being jailed or detained.

1J. The government encourages victims to assist in the investigation and prosecution of traffickers. In one case during the reporting period, the victim filed legal action against a trafficker who was charged with procuring prostitution and human trafficking, and subsequently sentenced to 30 months in jail and a fine of three thousand euros.

¶K. See Answer F in section "INVESTIGATION..." There is no indication that the Government of Luxembourg provides specialized anti-trafficking training to its embassies or consulates in countries that are destination or transit countries.

¶L. Not applicable to Luxembourg.

¶M. See Answers B and D in this section.

#### PREVENTION

¶A. During the reporting period, the government launched a public outreach campaign about trafficking in persons, highlighted by advertisements at bus stops depicting a nude girl under shrink wrap, as though she were for sale at a grocery store meat or fish counter. This ad campaign stoked considerable public discussion on the state of sexual exploitation in Luxembourg, whether related to human trafficking or to prostitution. The current debate about whether to prosecute those soliciting the services of a victim of human trafficking or prostitution reflects a growing awareness on the part of the Luxembourg general public that sexual exploitation, whether a result of trafficking or not, is indeed a part of life in Luxembourg. In April 2008, the Ministry of Equal Opportunity launched an awareness campaign on prostitution based on street posters bearing the slogan, "If you hire a prostitute, you are financing human trafficking." The campaign was renewed in November 2008.

¶B. The government does observe immigration and emigration patterns for evidence of trafficking.

¶C. The Ministry of Justice trafficking in persons coordinator serves as the principal point of contact and coordinator for all counter-trafficking in persons efforts with the Government of Luxembourg. There is excellent cooperation among all the involved agencies.

¶D. A draft law on treatment of human beings was submitted to Parliament in November 2007. This legislation would contain a national "plan of action." Its passage is expected during the 2009 legislative session.

¶E. Please see answer A, this section.

¶F. For 2008, the Government of Luxembourg allocated 100,000 euros for the promotion of children's rights and for raising public awareness about sexual exploitation of children.

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